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 Retail, LLC; Polo Ralph Lauren Corporation, doing business in
 California as Polo Retail Corporation; and Fashions Outlet of
 America, Inc.

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

ANN OTSUKA, an individual; JANIS
 KEEFE, an individual; CORINNE PHIPPS,
 an individual; and JUSTIN KISER, an
 individual; and on behalf of all other similarly
 situated,

Plaintiff(s),

v.

POLO RALPH LAUREN CORPORATION,
 a Delaware Corporation; et al.,

Defendant(s).

Case No. C07-02780 SI

**DEFENDANT POLO RETAIL, LLC'S
 RESPONSES TO PLAINTIFFS' REQUEST
 FOR ADMISSIONS AND
 INTERROGATORIES (SET TWO)**

AND RELATED CROSS-ACTION.

PROPOUNDING PARTY: PLAINTIFFS KEEFE, DAVIS and PHIPPS

RESPONDING PARTY: DEFENDANT POLO RETAIL, LLC

SET NO: TWO (2)

PRELIMINARY STATEMENT

Defendant Polo Retail, LLC ("Polo" or "Defendant"), pursuant to Rules 33 and 36 of the Federal Rules of Civil Procedure, hereby serves its responses and objections to Plaintiffs Janis Keefe, Corinne Phipps and Renee Davis' ("Plaintiffs") Requests for Admissions & Interrogatories (Set Two) ("Requests"). Discovery and preparation with respect to this litigation is ongoing and not complete at this time. Accordingly, the information contained in these responses is based upon the facts and information currently known or believed by Defendant, and Defendant reserves the right to supplement its responses as additional facts are discovered.

Polo further reserves the right to rely upon and to present as evidence at trial such additional information as may be discovered and/or developed by Polo and its attorneys throughout the course of this litigation.

GENERAL OBJECTIONS

1. Each response given to the Requests and any documents identified therein is subject to all objections including, but not limited to, privilege, relevancy, authenticity, and admissibility which would require exclusion of the evidence if it were offered in Court, all of which objections and grounds are hereby reserved.

2. Defendant objects to each of the Requests to the extent they seek information or documents which are not relevant to the subject matter of the pending action or reasonably calculated to lead to the discovery of admissible evidence.

3. Defendant objects to each of the Requests to the extent they are overly broad, unduly burdensome, vague, ambiguous or call for a legal conclusion.

4. Defendant objects to each of the Requests to the extent they seek information or documents regarding or containing information about persons or entities other than the parties to the pending action for the reason that such documents or information are not relevant to the subject matter of the pending action or reasonably calculated to lead to the discovery of admissible evidence.

5. Defendant objects to each of the Requests to the extent they seek documents, tangible things or information which have been prepared in anticipation of litigation or for trial, or are otherwise subject to protection pursuant to the work-product doctrine.

1 6. Defendant objects to each of the Requests to the extent they seek documents or
2 information subject to protection under the attorney-client privilege or any other applicable privilege.

3 7. Defendant objects to each of the Requests to the extent they are unreasonably
4 cumulative or duplicative, or that the information or documents requested therein are obtainable from
5 some other source that is more convenient, less burdensome, or less expensive.

6 8. Defendant objects to each of the Requests to the extent that the burden or expense of
7 responding to such Request outweighs the benefit of such Request.

8 9. Defendant objects to each of the Requests to the extent that the Request seeks
9 information or documents which contain trade secrets or other proprietary, confidential research,
10 development or commercial information.

11 10. Defendant objects to each of the Definitions and Instructions contained in the
12 Requests to the extent they are overly broad and unduly burdensome.

13 11. The fact that Defendant has provided a factual response or identified a document is not
14 an admission that the fact or document is admissible in evidence and is not to be construed as a
15 waiver of an objection which may hereafter be interposed to the admissibility of such fact or
16 document as evidence in this case.

17 12. Defendant is continuing its investigation and analyses of the facts and law related to
18 this case and has not yet concluded its investigation, discovery and preparation for trial. Therefore,
19 these Responses are given without prejudice to Defendant's right to produce or use any subsequently
20 discovered facts or writings or to add to, modify or otherwise change or amend the Responses herein.
21 These Responses are based on writings and information currently available to Defendant. The
22 information is true and correct to the best of Defendant's knowledge, as of this date, and is subject to
23 correction, and supplementation for any inadvertent errors, mistakes, or omissions.

24 13. Defendant objects to each and every request for admission to the extent it violates the
25 constitutional, statutory or common law rights to privacy of any person or entity including the
26 members of the purported "CLASS."

27 14. This Preliminary Statement and all general objections are hereby incorporated into the
28 following response:

1 **RESPONSES TO REQUESTS FOR ADMISSION & INTERROGATORIES**

2 **REQUEST 1**

3 Admit that, during the CLASS PERIOD, you have required that all EMPLOYEES submit to
4 SEARCHES.

5 **RESPONSE TO REQUEST 1**

6 Polo specifically objects on the grounds that this request is vague and ambiguous as to the
7 phrase "you have required that all EMPLOYEES submit" and that it is overbroad. Polo further
8 specifically objects on the ground this request is argumentative. Subject to the foregoing general and
9 specific objections, Polo admits the request to the extent it refers to employee loss prevention
10 inspections.

11 **INTERROGATORY 1**

12 If your response to Request 1 is anything other than an unqualified admission, state all facts
13 on which your response is based.

14 **RESPONSE TO INTERROGATORY 1**

15 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
16 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
17 already answered at least three hundred and twenty three (323) interrogatories propounded by
18 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
19 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
20 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
21 confer as necessary.

22 **INTERROGATORY 2**

23 If your response to Request 1 is anything other than an unqualified admission, IDENTIFY
24 each EMPLOYEE whom YOU did not require to submit to SEARCHES.

25 **RESPONSE TO INTERROGATORY 2**

26 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
27 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
28 already answered at least three hundred and twenty three (323) interrogatories propounded by

1 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
2 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
3 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
4 confer as necessary.

5 **INTERROGATORY 3**

6 If your response to Request 1 is anything other than an unqualified admission, IDENTIFY
7 each person with knowledge supportive of your response.

8 **RESPONSE TO INTERROGATORY 3**

9 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
10 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
11 already answered at least three hundred and twenty three (323) interrogatories propounded by
12 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
13 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
14 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
15 confer as necessary.

16 **INTERROGATORY 4**

17 If your response to Request 1 is anything other than an unqualified admission, SPECIFY each
18 DOCUMENT supporting your response.

19 **RESPONSE TO INTERROGATORY 4**

20 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
21 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
22 already answered at least three hundred and twenty three (323) interrogatories propounded by
23 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
24 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
25 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
26 confer as necessary.

1 **REQUEST 2**

2 Admit that all CLASS MEMBERS have experienced at least some WAITING TIME for
3 which you did not compensate them.

4 **RESPONSE TO REQUEST 2**

5 Polo specifically objects to the request on the grounds that it is argumentative, is not relevant
6 to any claim or defense and is not likely to lead to any admissible evidence, and on the grounds that it
7 is vague and ambiguous as to the phrase "have experienced at least some WAIT TIME". Subject to
8 and without waiving the foregoing general and specific objections, Polo denies the request.

9 **INTERROGATORY 5**

10 If your response to Request 2 is anything other than an unqualified admission, state all facts
11 on which your response is based.

12 **RESPONSE TO INTERROGATORY 5**

13 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
14 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
15 already answered at least three hundred and twenty three (323) interrogatories propounded by
16 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
17 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
18 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
19 confer as necessary.

20 **INTERROGATORY 6**

21 If your response to Request 2 is anything other than an unqualified admission, IDENTIFY
22 each CLASS MEMBER who did not experience any unpaid WAITING TIME.

23 **RESPONSE TO INTERROGATORY 6**

24 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
25 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
26 already answered at least three hundred and twenty three (323) interrogatories propounded by
27 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
28 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly

1 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
2 confer as necessary.

3 **INTERROGATORY 7**

4 If your response to Request 2 is anything other than an unqualified admission, IDENTIFY
5 each person with knowledge supportive of your response.

6 **RESPONSE TO INTERROGATORY 7**

7 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
8 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
9 already answered at least three hundred and twenty three (323) interrogatories propounded by
10 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
11 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
12 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
13 confer as necessary.

14 **INTERROGATORY 8**

15 If your response to Request 2 is anything other than an unqualified admission, SPECIFY each
16 DOCUMENT supporting your response.

17 **RESPONSE TO INTERROGATORY 8**

18 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
19 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
20 already answered at least three hundred and twenty three (323) interrogatories propounded by
21 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
22 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
23 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
24 confer as necessary.

25 **INTERROGATORY 9**

26 Explain in detail why you have not compensated CLASS MEMBERS for WAITING TIME.
27
28

1 **RESPONSE TO INTERROGATORY 9**

2 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
 3 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
 4 already answered at least three hundred and twenty three (323) interrogatories propounded by
 5 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
 6 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
 7 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
 8 confer as necessary.

9 **REQUEST 3**

10 Admit that you have not RECORDED CLASS MEMBERS' WAITING TIME.

11 **RESPONSE TO REQUEST 3**

12 Polo specifically objects to the request on the grounds that it is argumentative, is not relevant
 13 to any claim or defense and is not likely to lead to any admissible evidence, and on the grounds that it
 14 is vague, ambiguous and unintelligible as to the phrase "RECORDED CLASS MEMBERS'
 15 WAITING TIME". Based on the foregoing, Defendant lacks sufficient information to respond to this
 16 request and on that basis Defendant denies the request.

17 **INTERROGATORY 10**

18 If your response to Request 3 is anything other than an unqualified admission, state all facts
 19 on which your response is based.

20 **RESPONSE TO INTERROGATORY 10**

21 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
 22 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
 23 already answered at least three hundred and twenty three (323) interrogatories propounded by
 24 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
 25 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
 26 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
 27 confer as necessary.

INTERROGATORY 11

If your response to Request 3 is anything other than an unqualified admission, IDENTIFY each person with knowledge supportive of your response.

RESPONSE TO INTERROGATORY 11

Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has already answered at least three hundred and twenty three (323) interrogatories propounded by Plaintiffs in this action, including when this action was venued in San Francisco Superior Court. Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and confer as necessary.

INTERROGATORY 12

If your response to Request 3 is anything other than an unqualified admission, SPECIFY each DOCUMENT supporting your response.

RESPONSE TO INTERROGATORY 12

Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has already answered at least three hundred and twenty three (323) interrogatories propounded by Plaintiffs in this action, including when this action was venued in San Francisco Superior Court. Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and confer as necessary.

INTERROGATORY 13

If your response to Request 3 is anything other than an unqualified admission, IDENTIFY each CLASS MEMBER whose WAITING TIME you have RECORDED.

RESPONSE TO INTERROGATORY 13

Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has

1 already answered at least three hundred and twenty three (323) interrogatories propounded by
2 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
3 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
4 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
5 confer as necessary.

6 **INTERROGATORY 14**

7 Describe in detail all steps taken on a state-wide basis in California to ensure that YOUR
8 EMPLOYEES' WAITING TIME has been RECORDED.

9 **RESPONSE TO INTERROGATORY 14**

10 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
11 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
12 already answered at least three hundred and twenty three (323) interrogatories propounded by
13 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
14 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
15 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
16 confer as necessary.

17 **REQUEST 4**

18 Admit that each CLASS MEMBER averaged 5 or more minutes per day of unpaid WAITING
19 TIME over the course of his or her tenure with you during the CLASS PERIOD.

20 **RESPONSE TO REQUEST 4**

21 Polo specifically objects to the request on the grounds that it is argumentative, and on the
22 grounds that it is vague and ambiguous. Subject to and without waiving the foregoing general and
23 specific objections, Polo denies the request.

24 **INTERROGATORY 15**

25 If your response to Request 4 is anything other than an unqualified admission, state all facts
26 on which your response is based.

27

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RESPONSE TO INTERROGATORY 15

Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has already answered at least three hundred and twenty three (323) interrogatories propounded by Plaintiffs in this action, including when this action was venued in San Francisco Superior Court. Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and confer as necessary.

INTERROGATORY 16

If your response to Request 4 is anything other than an unqualified admission, IDENTIFY each CLASS MEMBER who did not average 5 or more minutes per day of unpaid WAITING TIME over the course of his or her tenure with you during the CLASS PERIOD.

RESPONSE TO INTERROGATORY 16

Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has already answered at least three hundred and twenty three (323) interrogatories propounded by Plaintiffs in this action, including when this action was venued in San Francisco Superior Court. Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and confer as necessary.

INTERROGATORY 17

If your response to Request 4 is anything other than an unqualified admission, IDENTIFY each person with knowledge supportive of your response.

RESPONSE TO INTERROGATORY 17

Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has already answered at least three hundred and twenty three (323) interrogatories propounded by Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.

1 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
2 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
3 confer as necessary.

4 **INTERROGATORY 18**

5 If your response to Request 4 is anything other than an unqualified admission, SPECIFY each
6 DOCUMENT supporting your response.

7 **RESPONSE TO INTERROGATORY 18**

8 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
9 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
10 already answered at least three hundred and twenty three (323) interrogatories propounded by
11 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
12 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
13 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
14 confer as necessary.

15 **REQUEST 5**

16 Admit that each CLASS MEMBER averaged 2 or more minutes per day of unpaid WAITING
17 TIME over the course of his or her tenure with you during the CLASS PERIOD.

18 **RESPONSE TO REQUEST 5**

19 Polo specifically objects to the request on the grounds that it is vague, ambiguous and
20 unintelligible as to the phrase "over the course of his or her tenure with you". Subject to and without
21 waiving the foregoing general and specific objections, Polo denies the request.

22 **INTERROGATORY 19**

23 If your response to Request 5 is anything other than an unqualified admission, state all facts
24 on which your response is based.

25 **RESPONSE TO INTERROGATORY 19**

26 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
27 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
28 already answered at least three hundred and twenty three (323) interrogatories propounded by

1 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
2 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
3 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
4 confer as necessary.

5 **INTERROGATORY 20**

6 If your response to Request 5 is anything other than an unqualified admission, IDENTIFY
7 each CLASS MEMBER who did not average 2 or more minutes per day of unpaid WAITING TIME
8 over the course of his or her tenure with you during the CLASS PERIOD.

9 **RESPONSE TO INTERROGATORY 20**

10 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
11 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
12 already answered at least three hundred and twenty three (323) interrogatories propounded by
13 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
14 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
15 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
16 confer as necessary.

17 **INTERROGATORY 21**

18 If your response to Request 5 is anything other than an unqualified admission, IDENTIFY
19 each person with knowledge supportive of your response.

20 **RESPONSE TO INTERROGATORY 21**

21 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
22 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
23 already answered at least three hundred and twenty three (323) interrogatories propounded by
24 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
25 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
26 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
27 confer as necessary.
28

INTERROGATORY 22

If your response to Request 5 is anything other than an unqualified admission, SPECIFY each DOCUMENT supporting your response.

RESPONSE TO INTERROGATORY 22

Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has already answered at least three hundred and twenty three (323) interrogatories propounded by Plaintiffs in this action, including when this action was venued in San Francisco Superior Court. Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and confer as necessary.

INTERROGATORY 23

State the total amount of all CLASS MEMBERS' unpaid WAITING TIME for the entire CLASS PERIOD.

RESPONSE TO INTERROGATORY 23

Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has already answered at least three hundred and twenty three (323) interrogatories propounded by Plaintiffs in this action, including when this action was venued in San Francisco Superior Court. Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and confer as necessary.

INTERROGATORY 24

Describe in detail all how you calculated your response to the prior interrogatory, including all assumptions you relied upon.

RESPONSE TO INTERROGATORY 24

Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has

1 already answered at least three hundred and twenty three (323) interrogatories propounded by
2 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
3 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
4 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
5 confer as necessary.

6 **INTERROGATORY 25**

7 For each of the years 2002-2008, state the average daily amount of unpaid WAITING TIME
8 experienced by your EMPLOYEES.

9 **RESPONSE TO INTERROGATORY 25**

10 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
11 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
12 already answered at least three hundred and twenty three (323) interrogatories propounded by
13 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
14 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
15 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
16 confer as necessary.

17 **INTERROGATORY 26**

18 Describe in detail all how you calculated your response to the prior interrogatory, including
19 all assumptions you relied upon.

20 **RESPONSE TO INTERROGATORY 26**

21 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
22 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
23 already answered at least three hundred and twenty three (323) interrogatories propounded by
24 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
25 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
26 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
27 confer as necessary.

28

INTERROGATORY 27

IDENTIFY each of your EXECUTIVES during the CLASS PERIOD whose responsibilities included determining whether EMPLOYEES in California were being paid for WAITING TIME.

RESPONSE TO INTERROGATORY 27

Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has already answered at least three hundred and twenty three (323) interrogatories propounded by Plaintiffs in this action, including when this action was venued in San Francisco Superior Court. Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and confer as necessary.

REQUEST 6

Admit that none of your EXECUTIVES took any measures during the CLASS PERIOD to determine whether EMPLOYEES in California were being paid for WAITING TIME.

RESPONSE TO REQUEST 6

Polo specifically objects to the request on the grounds that it is argumentative, is not relevant to any claim or defense and is not likely to lead to any admissible evidence, and on the grounds that it is vague and ambiguous as to the phrase "took any measure ... to determine...." Subject to and without waiving the foregoing general and specific objections, Polo denies the request.

INTERROGATORY 28

If your response to Request 6 is anything other than an unqualified admission, describe in detail all facts on which your response is based.

RESPONSE TO INTERROGATORY 28

Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has already answered at least three hundred and twenty three (323) interrogatories propounded by Plaintiffs in this action, including when this action was venued in San Francisco Superior Court. Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly

1 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
2 confer as necessary.

3 **INTERROGATORY 29**

4 If your response to Request 6 is anything other than an unqualified admission, SPECIFY all
5 DOCUMENTS supporting your response.

6 **RESPONSE TO INTERROGATORY 29**

7 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
8 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
9 already answered at least three hundred and twenty three (323) interrogatories propounded by
10 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
11 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
12 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
13 confer as necessary.

14 **INTERROGATORY 30**

15 If your response to Request 6 is anything other than an unqualified admission, IDENTIFY the
16 EXECUTIVES who took measures to determine whether CLASS MEMBERS were being paid for
17 WAITING TIME.

18 **RESPONSE TO INTERROGATORY 30**

19 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
20 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
21 already answered at least three hundred and twenty three (323) interrogatories propounded by
22 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
23 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
24 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
25 confer as necessary.

26 **INTERROGATORY 31**

27 Describe in detail all measures the EXECUTIVES you identified in response to the preceding
28 interrogatory took to assess whether EMPLOYEES in CALIFORNIA were being paid for WAITING

1 TIME.

2 **RESPONSE TO INTERROGATORY 31**

3 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
4 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
5 already answered at least three hundred and twenty three (323) interrogatories propounded by
6 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
7 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
8 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
9 confer as necessary.

10 **INTERROGATORY 32**

11 IDENTIFY each of your EXECUTIVES during the CLASS PERIOD whose responsibilities
12 included ensuring that EMPLOYEES in California were being paid for WAITING TIME.

13 **RESPONSE TO INTERROGATORY 32**

14 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
15 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
16 already answered at least three hundred and twenty three (323) interrogatories propounded by
17 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
18 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
19 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
20 confer as necessary.

21 **REQUEST 7**

22 Admit that none of your EXECUTIVES took any measures to ensure EMPLOYEES were
23 being paid for WAITING TIME.

24 **RESPONSE TO REQUEST 7**

25 Polo specifically objects to the request on the grounds that it is argumentative, is not relevant
26 to any claim or defense and is not likely to lead to any admissible evidence, and on the grounds that it
27 is vague and ambiguous as to the phrase "took any measure ... to ensure...." Subject to and without
28 waiving the foregoing general and specific objections, Polo denies the request.

INTERROGATORY 33

If your response to Request 7 is anything other than an unqualified admission, describe in detail all facts on which your response is based.

RESPONSE TO INTERROGATORY 33

Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has already answered at least three hundred and twenty three (323) interrogatories propounded by Plaintiffs in this action, including when this action was venued in San Francisco Superior Court. Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and confer as necessary.

INTERROGATORY 34

If your response to Request 7 is anything other than an unqualified admission, SPECIFY all DOCUMENTS supporting your response.

RESPONSE TO INTERROGATORY 34

Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has already answered at least three hundred and twenty three (323) interrogatories propounded by Plaintiffs in this action, including when this action was venued in San Francisco Superior Court. Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and confer as necessary.

INTERROGATORY 35

If your response to Request 7 is anything other than an unqualified admission, IDENTIFY the EXECUTIVES who took measures to ensure EMPLOYEES were being paid for WAITING TIME.

RESPONSE TO INTERROGATORY 35

Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has

1 already answered at least three hundred and twenty three (323) interrogatories propounded by
2 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
3 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
4 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
5 confer as necessary.

6 **INTERROGATORY 36**

7 Describe in detail all measures the EXECUTIVES you identified in response to the preceding
8 interrogatory took to ensure EMPLOYEES in California were being paid for WAITING TIME.

9 **RESPONSE TO INTERROGATORY 36**

10 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
11 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
12 already answered at least three hundred and twenty three (323) interrogatories propounded by
13 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
14 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
15 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
16 confer as necessary.

17 **REQUEST 8**

18 Admit that you not paying EMPLOYEES for WAITING TIME was "willful" within the
19 meaning of California Labor Code §203.

20 **RESPONSE TO REQUEST 8**

21 Polo specifically objects to the request on the grounds that it is argumentative, it is vague and
22 ambiguous and unintelligible as to the phrase "you not paying EMPLOYEES ... was 'willful'". Polo
23 further specifically objects on the grounds that the request calls for a legal conclusion. Subject to and
24 without waiving the foregoing general and specific objections, Polo denies the request.

25 **INTERROGATORY 37**

26 If your response to Request 8 is anything other than an unqualified admission, state all facts
27 on which your response is based.
28

RESPONSE TO INTERROGATORY 37

Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has already answered at least three hundred and twenty three (323) interrogatories propounded by Plaintiffs in this action, including when this action was venued in San Francisco Superior Court. Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and confer as necessary.

INTERROGATORY 38

If your response to Request 8 is anything other than an unqualified admission, IDENTIFY each person with knowledge supportive of your response.

RESPONSE TO INTERROGATORY 38

Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has already answered at least three hundred and twenty three (323) interrogatories propounded by Plaintiffs in this action, including when this action was venued in San Francisco Superior Court. Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and confer as necessary.

INTERROGATORY 39

If your response to Request 8 is anything other than an unqualified admission, SPECIFY each DOCUMENT supporting your response.

RESPONSE TO INTERROGATORY 39

Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has already answered at least three hundred and twenty three (323) interrogatories propounded by Plaintiffs in this action, including when this action was venued in San Francisco Superior Court. Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly

1 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
2 confer as necessary.

3 **REQUEST 9**

4 Admit that, because you have not RECORDED CLASS MEMBERS' WAITING TIME,
5 YOU have failed to maintain accurate records as required by IWC Wage Order 7-2001, §7.

6 **RESPONSE TO REQUEST 9**

7 Polo specifically objects to the request on the grounds that it is vague and ambiguous as to the
8 phrase "maintain accurate records". Polo further specifically objects on the grounds that the request
9 calls for a legal conclusion. Subject to and without waiving the foregoing general and specific
10 objections, Polo denies the request.

11 **INTERROGATORY 40**

12 If your response to Request 9 is anything other than an unqualified admission, state all facts
13 on which your response is based.

14 **RESPONSE TO INTERROGATORY 40**

15 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
16 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
17 already answered at least three hundred and twenty three (323) interrogatories propounded by
18 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
19 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
20 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
21 confer as necessary.

22 **INTERROGATORY 41**

23 If your response to Request 9 is anything other than an unqualified admission, IDENTIFY
24 each person with knowledge supportive of your response.

25 **RESPONSE TO INTERROGATORY 41**

26 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
27 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
28 already answered at least three hundred and twenty three (323) interrogatories propounded by

1 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
2 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
3 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
4 confer as necessary.

5 **INTERROGATORY 42**

6 If your response to Request 9 is anything other than an unqualified admission, SPECIFY each
7 DOCUMENT supporting your response.

8 **RESPONSE TO INTERROGATORY 42**

9 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
10 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
11 already answered at least three hundred and twenty three (323) interrogatories propounded by
12 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
13 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
14 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
15 confer as necessary.

16 **REQUEST 10**

17 Admit that, during the CLASS PERIOD, managers in your California stores have been
18 instructed to minimize labor costs.

19 **RESPONSE TO REQUEST 10**

20 Polo specifically objects to the request on the grounds that it is argumentative, it is vague and
21 ambiguous and unintelligible as to the phrase "instructed to minimize labor costs". Based on the
22 foregoing, Defendant lacks sufficient information to respond to this request and on that basis
23 Defendant denies the request.

24 **INTERROGATORY 43**

25 If your response to Request 10 is anything other than an unqualified admission, state all facts
26 on which your response is based.

RESPONSE TO INTERROGATORY 43

Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has already answered at least three hundred and twenty three (323) interrogatories propounded by Plaintiffs in this action, including when this action was venued in San Francisco Superior Court. Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and confer as necessary.

INTERROGATORY 44

If your response to Request 10 is anything other than an unqualified admission, IDENTIFY each person with knowledge supportive of your response.

RESPONSE TO INTERROGATORY 44

Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has already answered at least three hundred and twenty three (323) interrogatories propounded by Plaintiffs in this action, including when this action was venued in San Francisco Superior Court. Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and confer as necessary.

INTERROGATORY 45

If your response to Request 10 is anything other than an unqualified admission, SPECIFY each DOCUMENT supporting your response.

RESPONSE TO INTERROGATORY 45

Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has already answered at least three hundred and twenty three (323) interrogatories propounded by Plaintiffs in this action, including when this action was venued in San Francisco Superior Court. Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly

1 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
2 confer as necessary.

3 **REQUEST 11**

4 Admit that during the CLASS PERIOD you have offered managers in your California stores
5 incentives linked to labor costs.

6 **RESPONSE TO REQUEST 11**

7 Polo specifically objects to the request on the grounds that it is argumentative, is not relevant
8 to any claim or defense and is not likely to lead to any admissible evidence, and on the grounds that it
9 is vague and ambiguous as to the phrase "incentives linked to labor costs". Subject to and without
10 waiving the foregoing general and specific objections, Polo denies the request.

11 **INTERROGATORY 46**

12 If your response to Request 11 is anything other than an unqualified admission, state all facts
13 on which your response is based.

14 **RESPONSE TO INTERROGATORY 46**

15 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
16 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
17 already answered at least three hundred and twenty three (323) interrogatories propounded by
18 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
19 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
20 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
21 confer as necessary.

22 **INTERROGATORY 47**

23 If your response to Request 11 is anything other than an unqualified admission, SPECIFY
24 each DOCUMENT supporting your response.

25 **RESPONSE TO INTERROGATORY 47**

26 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
27 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
28 already answered at least three hundred and twenty three (323) interrogatories propounded by

1 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
2 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
3 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
4 confer as necessary.

5 **INTERROGATORY 48**

6 If your response to Request 11 is anything other than an unqualified admission, IDENTIFY
7 each person with knowledge supportive of your response.

8 **RESPONSE TO INTERROGATORY 48**

9 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
10 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
11 already answered at least three hundred and twenty three (323) interrogatories propounded by
12 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
13 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
14 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
15 confer as necessary.

16 **REQUEST 12**

17 Admit that, during May 30, 2002 through the present, all EMPLOYEES were subject to
18 discipline if they left a store following a shift without first undergoing a SEARCH.

19 **RESPONSE TO REQUEST 12**

20 Polo specifically objects to the request on the grounds that it is not relevant to any claim or
21 defense and is not likely to lead to any admissible evidence, and on the grounds that it is vague and
22 ambiguous as to the phrase "discipline". Subject to and without waiving the foregoing general and
23 specific objections, and to the extent that Polo understands the request, Polo admits the request.

24 **INTERROGATORY 49**

25 If your response to Request 12 is anything other than an unqualified admission, state all facts
26 on which your response is based.

RESPONSE TO INTERROGATORY 49

Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has already answered at least three hundred and twenty three (323) interrogatories propounded by Plaintiffs in this action, including when this action was venued in San Francisco Superior Court. Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and confer as necessary.

REQUEST 13

Admit that CLASS MEMBERS' WAITING TIME was not "de minimis" within the meaning of Lindow v. United States, 738 F.2d 1057, 1061-62.

RESPONSE TO REQUEST 13

Polo specifically objects to the request on the grounds that it is argumentative, and on the grounds that it is vague and ambiguous as to the phrase "de minimis". Polo further specifically objects on the grounds that the request calls for a legal conclusion. Based on the foregoing, Defendant lacks sufficient information to respond to this request and on that basis Defendant denies the request.

INTERROGATORY 50

If your response to Request 13 is anything other than an unqualified admission, state all facts on which your response is based.

RESPONSE TO INTERROGATORY 50

Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has already answered at least three hundred and twenty three (323) interrogatories propounded by Plaintiffs in this action, including when this action was venued in San Francisco Superior Court. Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and confer as necessary.

INTERROGATORY 51

If your response to Request 13 is anything other than an unqualified admission, SPECIFY each DOCUMENT supporting your response.

RESPONSE TO INTERROGATORY 51

Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has already answered at least three hundred and twenty three (323) interrogatories propounded by Plaintiffs in this action, including when this action was venued in San Francisco Superior Court. Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and confer as necessary.

REQUEST 14

Admit YOU have taken no measures to minimize EMPLOYEES' WAITING TIME.

RESPONSE TO REQUEST 14

Polo specifically objects to the request on the grounds that it is argumentative, is not relevant to any claim or defense and is not likely to lead to any admissible evidence, and on the grounds that it is vague and ambiguous as to the phrase "taken no measures to minimize". Subject to and without waiving the foregoing general and specific objections, Defendant denies the request.

INTERROGATORY 52

If your response to Request 14 is anything other than an unqualified admission, state all facts on which your response is based.

RESPONSE TO INTERROGATORY 52

Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has already answered at least three hundred and twenty three (323) interrogatories propounded by Plaintiffs in this action, including when this action was venued in San Francisco Superior Court. Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and

1 confer as necessary.

2 **INTERROGATORY 53**

3 If your response to Request 14 is anything other than an unqualified admission, SPECIFY
4 each DOCUMENT supporting your response.

5 **RESPONSE TO INTERROGATORY 53**

6 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
7 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
8 already answered at least three hundred and twenty three (323) interrogatories propounded by
9 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
10 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
11 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
12 confer as necessary.

13 **INTERROGATORY 54**

14 If your response to Request 14 is anything other than an unqualified admission, IDENTIFY
15 each person with knowledge supportive of your response.

16 **RESPONSE TO INTERROGATORY 54**

17 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
18 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
19 already answered at least three hundred and twenty three (323) interrogatories propounded by
20 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
21 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
22 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
23 confer as necessary.

24 **REQUEST 15**

25 Admit that, during the CLASS PERIOD, each CLASS MEMBER has missed at least one of
26 the REST BREAKS to which IWC Wage Order 7-2001, §12 entitled him or her.

RESPONSE TO REQUEST 15

Polo specifically objects to the request on the grounds that it is not relevant to any claim or defense and is not likely to lead to any admissible evidence, and on the grounds that it is vague and ambiguous as to the phrase "has missed at least one of the ...". Defendant further specifically objects on the grounds that the request seeks a legal conclusion. Subject to and without waiving the foregoing general and specific objections, and to the extent that Polo understands the request, Polo denies the request.

INTERROGATORY 55

If your response to Request 15 is anything other than an unqualified admission, state all facts on which your response is based.

RESPONSE TO INTERROGATORY 55

Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has already answered at least three hundred and twenty three (323) interrogatories propounded by Plaintiffs in this action, including when this action was venued in San Francisco Superior Court. Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and confer as necessary.

INTERROGATORY 56

If your response to Request 15 is anything other than an unqualified admission, SPECIFY each DOCUMENT supporting your response.

RESPONSE TO INTERROGATORY 56

Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has already answered at least three hundred and twenty three (323) interrogatories propounded by Plaintiffs in this action, including when this action was venued in San Francisco Superior Court. Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and

1 confer as necessary.

2 **INTERROGATORY 57**

3 If your response to Request 15 is anything other than an unqualified admission, IDENTIFY
4 each person with knowledge supportive of your response.

5 **RESPONSE TO INTERROGATORY 57**

6 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
7 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
8 already answered at least three hundred and twenty three (323) interrogatories propounded by
9 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
10 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
11 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
12 confer as necessary.

13 **INTERROGATORY 58**

14 If your response to Request 15 is anything other than an unqualified admission, IDENTIFY
15 each of the CLASS MEMBERS who did not miss at least one of the REST BREAKS to which IWC
16 Wage Order 7-2001, §12 entitled him or her.

17 **RESPONSE TO INTERROGATORY 58**

18 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
19 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
20 already answered at least three hundred and twenty three (323) interrogatories propounded by
21 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
22 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
23 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
24 confer as necessary.

25 **INTERROGATORY 59**

26 Based on all information reasonably available to you and your agents, give your best estimate
27 of the total number of REST BREAKS missed by CLASS MEMBERS during the CLASS PERIOD.
28

RESPONSE TO INTERROGATORY 59

Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has already answered at least three hundred and twenty three (323) interrogatories propounded by Plaintiffs in this action, including when this action was venued in San Francisco Superior Court. Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and confer as necessary.

REQUEST 16

Admit that each CLASS MEMBER missed at least one REST BREAK during the CLASS PERIOD because you "fail[ed] to provide" him or her with a REST BREAK within the meaning of IWC Wage Order 7-2001, §12.

RESPONSE TO REQUEST 16

Polo specifically objects to the request on the grounds that it is vague and ambiguous as to the phrase "fail[ed] to provide" and on the grounds that the request seeks a legal conclusion. Subject to and without waiving the foregoing general and specific objections, and to the extent that Polo understands the request, Polo denies the request.

INTERROGATORY 60

If your response to Request 16 is anything other than an unqualified admission, state all facts on which your response is based.

RESPONSE TO INTERROGATORY 60

Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has already answered at least three hundred and twenty three (323) interrogatories propounded by Plaintiffs in this action, including when this action was venued in San Francisco Superior Court. Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and confer as necessary.

INTERROGATORY 61

If your response to Request 16 is anything other than an unqualified admission, SPECIFY each DOCUMENT supporting your response.

RESPONSE TO INTERROGATORY 61

Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has already answered at least three hundred and twenty three (323) interrogatories propounded by Plaintiffs in this action, including when this action was venued in San Francisco Superior Court. Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and confer as necessary.

INTERROGATORY 62

If your response to Request 16 is anything other than an unqualified admission, IDENTIFY each person with knowledge supportive of your response.

RESPONSE TO INTERROGATORY 62

Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has already answered at least three hundred and twenty three (323) interrogatories propounded by Plaintiffs in this action, including when this action was venued in San Francisco Superior Court. Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and confer as necessary.

INTERROGATORY 63

If your response to Request 16 is anything other than an unqualified admission, IDENTIFY each CLASS MEMBER who did not miss at least one REST BREAK during the CLASS PERIOD because you "fail[ed] to provide" it within the meaning of IWC Wage Order 7-2001, §12.

RESPONSE TO INTERROGATORY 63

Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has already answered at least three hundred and twenty three (323) interrogatories propounded by Plaintiffs in this action, including when this action was venued in San Francisco Superior Court. Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and confer as necessary.

INTERROGATORY 64

Based on all information reasonably available to you and your agents, give your best estimate of the total number of REST BREAKS missed by CLASS MEMBERS during the CLASS PERIOD because you "fail[ed] to provide" them within the meaning of IWC Wage Order 7-2001, §12.

RESPONSE TO INTERROGATORY 64

Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has already answered at least three hundred and twenty three (323) interrogatories propounded by Plaintiffs in this action, including when this action was venued in San Francisco Superior Court. Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and confer as necessary.

INTERROGATORY 65

Describe in detail how you calculated your response to the prior interrogatory, including all information and assumptions relied upon.

RESPONSE TO INTERROGATORY 65

Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has already answered at least three hundred and twenty three (323) interrogatories propounded by Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.

1 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
2 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
3 confer as necessary.

4 **REQUEST 17**

5 Admit that YOU took no measures to distinguish between REST BREAKS missed by
6 EMPLOYEES during the CLASS PERIOD because they waived them and those missed because
7 YOU "fail[ed] to provide" them within the meaning of IWC Wage Order 7-2001, §12.

8 **RESPONSE TO REQUEST 17**

9 Polo specifically objects to the request on the grounds that it is vague and ambiguous and
10 unintelligible as to the phrase "took no measures to distinguish" and "because they waived them and
11 those missed because YOU 'fail[ed] to provide' them". Defendant further specifically objects on the
12 grounds that the request seeks a legal conclusion. Based on the foregoing, Defendant lacks sufficient
13 information to respond to this request and on that basis Defendant denies this request.

14 **INTERROGATORY 66**

15 If your response to Request 17 is anything other than an unqualified admission, state all facts
16 on which your response is based.

17 **RESPONSE TO INTERROGATORY 66**

18 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
19 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
20 already answered at least three hundred and twenty three (323) interrogatories propounded by
21 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
22 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
23 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
24 confer as necessary.

25 **INTERROGATORY 67**

26 If your response to Request 17 is anything other than an unqualified admission, SPECIFY
27 each DOCUMENT supporting your response.
28

1 **RESPONSE TO INTERROGATORY 67**

2 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
 3 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
 4 already answered at least three hundred and twenty three (323) interrogatories propounded by
 5 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
 6 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
 7 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
 8 confer as necessary.

9 **INTERROGATORY 68**

10 If your response to Request 17 is anything other than an unqualified admission, IDENTIFY
 11 each person with knowledge supportive of your response.

12 **RESPONSE TO INTERROGATORY 68**

13 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
 14 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
 15 already answered at least three hundred and twenty three (323) interrogatories propounded by
 16 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
 17 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
 18 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
 19 confer as necessary.

20 **INTERROGATORY 69**

21 Describe in detail what means were used during the CLASS PERIOD for determining
 22 whether EMPLOYEES were waiving their rights to take REST BREAKS.

23 **RESPONSE TO INTERROGATORY 69**

24 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
 25 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
 26 already answered at least three hundred and twenty three (323) interrogatories propounded by
 27 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
 28 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly

1 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
2 confer as necessary.

3 **REQUEST 18**

4 Admit that during the CLASS PERIOD you never have paid EMPLOYEES the "one (1) hour
5 of pay at the employee's regular rate of compensation for each workday that [a] rest period [was] not
6 provided" pursuant to IWC Wage Order 7-2001, §12(b).

7 **RESPONSE TO REQUEST 18**

8 Polo specifically objects to the request on the grounds that it is vague and ambiguous.
9 Defendant specifically objects on the grounds that the request seeks a legal conclusion. Polo further
10 specifically objects that this request presumes that rest breaks were not provided or otherwise made
11 available as required under the law. Based on the foregoing, Defendant denies the request.

12 **INTERROGATORY 70**

13 If your response to Request 18 is anything other than an unqualified admission, state all facts
14 on which your response is based.

15 **RESPONSE TO INTERROGATORY 70**

16 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
17 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
18 already answered at least three hundred and twenty three (323) interrogatories propounded by
19 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
20 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
21 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
22 confer as necessary.

23 **INTERROGATORY 71**

24 If your response to Request 18 is anything other than an unqualified admission, SPECIFY
25 each DOCUMENT supporting your response.

26 **RESPONSE TO INTERROGATORY 71**

27 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
28 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has

1 already answered at least three hundred and twenty three (323) interrogatories propounded by
2 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
3 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
4 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
5 confer as necessary.

6 **INTERROGATORY 72**

7 If your response to Request 18 is anything other than an unqualified admission, IDENTIFY
8 each EMPLOYEE to whom, during the CLASS PERIOD, you have paid the "one (1) hour of pay at
9 the employee's regular rate of compensation" pursuant to IWC Wage Order 7-2001, §12(b).

10 **RESPONSE TO INTERROGATORY 72**

11 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
12 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
13 already answered at least three hundred and twenty three (323) interrogatories propounded by
14 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
15 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
16 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
17 confer as necessary.

18 **REQUEST 19**

19 Admit that your EXECUTIVES took no measures to ensure that EMPLOYEES were being
20 provided with the "net" 10-minute REST BREAKS required by IWC Wage Order 7-2001, §12,
21 during the CLASS PERIOD.

22 **RESPONSE TO REQUEST 19**

23 Polo specifically objects to the request on the grounds that it is not relevant to any claim or
24 defense and is not likely to lead to any admissible evidence, and on the grounds that it is vague and
25 ambiguous as to the phrase "took no measures to ensure". Defendant further specifically objects on
26 the grounds that the request seeks a legal conclusion. Subject to and without waiving the foregoing
27 general and specific objections, and to the extent that Polo understands the request, Polo denies the
28 request.

INTERROGATORY 73

If your response to Request 19 is anything other than an unqualified admission, state all facts on which your response is based.

RESPONSE TO INTERROGATORY 73

Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has already answered at least three hundred and twenty three (323) interrogatories propounded by Plaintiffs in this action, including when this action was venued in San Francisco Superior Court. Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and confer as necessary.

INTERROGATORY 74

If your response to Request 19 is anything other than an unqualified admission, SPECIFY each DOCUMENT supporting your response.

RESPONSE TO INTERROGATORY 74

Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has already answered at least three hundred and twenty three (323) interrogatories propounded by Plaintiffs in this action, including when this action was venued in San Francisco Superior Court. Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and confer as necessary.

INTERROGATORY 75

If your response to Request 19 is anything other than an unqualified admission, IDENTIFY each person with knowledge supportive of your response.

RESPONSE TO INTERROGATORY 75

Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has

1 already answered at least three hundred and twenty three (323) interrogatories propounded by
2 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
3 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
4 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
5 confer as necessary.

6 **REQUEST 20**

7 Admit that during the CLASS PERIOD YOU never paid any EMPLOYEE "one (1) hour of
8 pay at the employee's regular rate of compensation" pursuant to IWC Wage Order 7-2001, §12(b),
9 when a rest period with which YOU provided him or her was not the full "net" 10 minutes required
10 by IWC Wage Order 7-2001, §12(a).

11 **RESPONSE TO REQUEST 20**

12 Polo specifically objects to the request on the grounds that it is not relevant to any claim or
13 defense and is not likely to lead to any admissible evidence, and on the grounds that it is vague and
14 ambiguous as to the phrase "the full 'net' 10 minutes required". Polo specifically objects on the
15 grounds that the request seeks a legal conclusion. Defendant further specifically objects that this
16 request presumes that rest breaks were not provided for the full allowable amount of time under the
17 law. Based on the foregoing, Defendant denies the request.

18 **INTERROGATORY 76**

19 If your response to Request 20 is anything other than an unqualified admission, state all facts
20 on which your response is based.

21 **RESPONSE TO INTERROGATORY 76**

22 Polo objects to this interrogatory on the grounds that Plaintiffs exceed the allowable number
23 of interrogatories under Fed R. Civ. Proc. 33. Polo specifically objects on the grounds that it has
24 already answered at least three hundred and twenty three (323) interrogatories propounded by
25 Plaintiffs in this action, including when this action was venued in San Francisco Superior Court.
26 Polo objects that this interrogatory is burdensome and oppressive and is designed to needlessly
27 increase the costs of litigation. Polo will not respond to this interrogatory, but is willing to meet and
28 confer as necessary.